Court No.2

IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No.73 of 2006 (S/B)

Dr. D.N. Tyagi,
Aged about 59 years,
S/o Sri Balbir Singh,
Presently posted as Chief Veterinary Officer,
Veterinary Hospital, Hardwar,
District Hardwar

..... Petitioner

Versus

Union of India through its Secretary,
Deptt. Of Personnel & Training, Govt. of India,
Lok Nayak Bhawan, 3rd Floor, Khan Market,
New Delhi **AND** 16 Others.

..... Respondents

Sri D.S.Patni, learned counsel for the petitioners,
Learned Standing counsel for the respondents/Govt. of Uttaranchal.
Learned Addl. Chief Standing Counsel for the respondent/State of U.P.
Mrs. Anjali Bhargava, 1d. standing counsel for Union of India.

Dated: March 3, 2006

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

By means of this petition, the petitioner has prayed for writ of certiorari to quash the order dated 22.09.2005 passed by respondent No.2/Deputy Secretary, Department of Personnel & Training, Government of India, contained in Annexure No.I to the writ petition.

2. The petitioner is holding the post of Class-II Chief Veterinary Officer. The final allocation of cadre of Veterinary Officer has been made by Government of India, vide impugned order dated 22.9.2005, by which the petitioner has not been allocated to State of

Uttaranchal. The petitioner is working in the State of Uttaranchal and he has made his representation for allocation to State of Uttaranchal. The allocation under Section 72 of the Uttar Pradesh Reorganisation Act, 2000 is made by the Central Government on the basis of recommendations of the Board constituted under Section 76 of the U.P. Reorganisation Act, 2000. By the impugned order, 17 Veterinary Officers have been allocated to State of Uttaranchal and about rest of the cadre it has been provided that those who have not been allocated to State of Uttaranchal, stand allocated finally to State of U.P. until the decision is taken otherwise. The clause *'until the decision is taken otherwise'* gives a room for the petitioner to make a representation to the Government of India for reconsideration about allocation to the State of Uttaranchal.

3. The learned counsel for the petitioner submitted that he has made his representation on 10.02.2006 to the respondent Nos., 1, 4 and 5 and the same are pending with them. Therefore, it is provided that the respondent No.5/Chairman, State Advisory Committee, New Delhi shall decide the representations of the petitioner within a period of two months from the date of production of certified copy of this order.

4. With the aforesaid observation, the writ petitioner is disposed of finally. The interim order, if any, stands discharged.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

Rajeev Dang